THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO.

WRIT APPEAL No.1529 of 2005.

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JUDGMENT: (Per Hon'ble Mr Justice B.Prakash Rao)

Heard Mrs.M.V.Vidyavathi, the learned counsel appearing for the appellant and also Mrs.Uma Devi, the learned Standing Counsel appearing for the respondent No.2. and at their request, the main appeal itself is taken up for disposal.

The appellant is the unsuccessful writ petitioner whose writ petition as against the nil award in I.D.No.78 of 2000 dated 05-09-2002 was upheld.

Few facts, which are necessary for disposal of this appeal, are that the appellant is a conductor. While he was conducting the bus on the route from Srikakulam to Chilakalapalli, there was a check by T.T.I's at Chintada, and thereafter, a charge memo was issued him on the ground that he reissued 10 tickets worth Rs.6/- (Rupees Six only) which were already issued, and caused loss to the Corporation. The petitioner submitted his explanation. After conducting an enquiry, the petitioner was removed from service. Aggrieved by the order of removal, the petitioner preferred an Industrial Dispute before the 1st respondent in I.D.No.78 of 2000, and the same was dismissed as per the order dated 05-09-2002. Challenging the same, the appellant filed a writ petition contending that there is no evidence on record to show that there was any such re-issuance of tickets or payment of money. However, the learned single Judge did not accept the said contention and dismissed the writ petition.

Having regard to the finding of fact as arrived at all levels by the labour Court and the learned Single judge, it is late in the date to say

that this Court once again goes into the venture of reappreciating the evidence to come to a different conclusion on the finding of the facts. No doubt it is evident from the record that there is no direct conclusion with regard to the re-issuance of tickets. But however, the nature of offence has been attributed to the appellant against the passengers, having regard to the certain irregularities that have been set up. Be that as it may that this Court cannot seek any interference with such findings of the fact, which are given by the Courts below.

In the light of the above this writ appeal is disposed of with a direction to the appellant herein to approach the respondent No.2 herein for award of fresh appointment by filing any independent application within a period of two weeks from today. On such application being filed, the 2nd respondent shall consider the same for fresh appointment within a period of four weeks thereof and appropriate orders in accordance with law.

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(B. PRAKASH RAO, J)

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(D. APPA RAO, J)

Dated 16th March, 2006.

Note:- Issue C.C. by one week.

(B/O)

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